

STATE OF MICHIGAN
COURT OF APPEALS

In re M. T. COOPER, Minor.

UNPUBLISHED
October 22, 2015

No. 326091
Wayne Circuit Court
Family Division
LC No. 12-509595-NA

Before: FORT HOOD, P.J., and CAVANAGH and K. F. KELLY, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

On appeal, respondent argues that the trial court clearly erred in terminating respondent's parental rights pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We disagree. "To terminate parental rights, a trial court must find by clear and convincing evidence that at least one statutory ground under MCL 712A.19b(3) has been established." *In re Moss*, 301 Mich App 76, 80; 836 NW2d 182 (2013). "We review for clear error a trial court's finding of whether a statutory ground for termination has been proven by clear and convincing evidence." *Id.*; see also MCR 3.977(K). "A finding of fact is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake has been committed, giving due regard to the trial court's special opportunity to observe the witnesses." *In re Laster*, 303 Mich App 485, 491; 845 NW2d 540 (2013) (citation omitted).

The record supports the trial court's decision to terminate respondent's parental rights. MCL 712A.19b(3)(c)(i), (g), and (j) provide:

(3) The court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence 1 or more of the following:

* * *

(c) The parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds either of the following:

(i) The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

* * *

(g) The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

* * *

(j) There is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent.

At the time of the adjudication in this case, respondent was hospitalized in a semi-comatose state as a result of a drug overdose. Respondent's medical condition prevented her from caring for the minor child, so he was placed with his maternal grandmother. However, concerns arose based on the grandmother's extensive history with Children's Protective Services (CPS), substance abuse, and improper supervision. CPS also received complaints that the child was being physically and medically neglected. For these reasons, the court removed the child from the grandmother's home, placed the child in foster care, and assumed jurisdiction over the child.

By the time of the termination hearing respondent remained in a rehabilitation hospital, paralyzed from the neck down with limited ability to speak and move. Her condition was not reversible. Although respondent expressed that she did not want her parental rights to be terminated, she was unable to care for her child and needed full-time care herself. Further, there was no bond between respondent and the minor child, and visits with respondent often caused the child emotional harm and anxiety. After visiting respondent, the minor child would throw tantrums and exhibit behavioral issues. Additionally, the child was diagnosed with autistic spectrum disorder and ADHD. With respondent's physical limitations she cannot meet child's special needs. Given respondent's history of substance abuse and inability to care for the child, the record supported termination of respondent's parental rights.

On appeal, respondent primarily asserts that this matter should be remanded for additional investigation into whether any relatives were ready, willing, and able to assume care and custody for the child. However, this matter was before the trial court for more than a year, and no relatives other than the maternal grandmother stepped forward. The relatives suggested by respondent were investigated, and ultimately unwilling to care for the child. Further, respondent has not suggested any fit and willing relatives who might have been overlooked. Accordingly, termination of respondent's parental rights was proper pursuant to MCL 712A.19b(3)(c)(i), (g), and (j).

Affirmed.

/s/ Karen M. Fort Hood

/s/ Mark J. Cavanagh

/s/ Kirsten Frank Kelly